

S/L 16
17.04.2025
Court. No. 19
Suvayan

WPA 7836 of 2025

Md. Sabir Ali Mondal
Vs.
The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar

...for the petitioner.

Mr. Chandi Charan De, AGP
Mr. Anirban Sarkar

...for the State.

Mr. Chayan Gupta
Mr. Saaquib Siddiqui
Ms. Samriddha Sen

...for the respondent nos. 3 & 4.

1. By filing the instant writ petition the writ petitioner has prayed for quashing of the letter dated 12.11.2024 as issued by the respondent no. 3 being the General Manager of WBHIDCO.
2. In course of his submission Mr. Maity at the very outset took me to page nos. 107 and 108 of the instant writ petition being a copy of the order dated 04.10.2024 as passed by a co-ordinate Bench in WPA 24218 of 2024 whereby and whereunder the said co-ordinate Bench while disposing the said writ petition directed the respondent no. 3 therein that is the appropriate authority of the WBHIDCO to inform the writ petitioner in writing as to whether the writ petitioner's two plots have been acquired following due process of law.
3. In course of his submission Mr. Maity draws attention of this Court to page no. 109 of the instant writ petition

being a copy of the letter dated 12.11.2024 which is subject matter of challenge in the instant writ petition.

It is submitted by Mr. Maity that on perusal of the said letter it would reveal that the respondent no. 3 under cover of the said letter dated 12.11.2024 stated that RS and LR plot nos. 324 and 325 of Mouza – Noapara corresponding to CS plot nos. 314 and 315 were fully acquired vide Land Acquisition Case No. 4/35 of 1995-96 for New Town Project following due process of law.

4. At this juncture, Mr. Maity took me to the relevant notification dated 10.06.1996 as published under Section 6 of the Act I of 1894. It is submitted by Mr. Maity that from the said notification under Section 6 of the Act I of 1894 it would reveal that RS plot nos. 324 and 325 were involved in the said acquisition process, however, by no stretch of imagination it can be said that RS plot nos. 324 and 325 corresponds to CS plot nos. 314 and 315 as communicated by the respondent no. 3/authority which raises a cast of doubt over the right, title and interest over the property as owned by the writ petitioner by virtue of execution of a registered deed of gift dated 11.03.2013. It is thus submitted by Mr. Maity that since the contents of the letter dated 12.11.2024 as issued by the respondent no. 3/authority is not based on any supportive document an appropriate writ may be issued for quashing of the letter dated 12.11.2024 as prayed for.
5. *Per contra*, Mr. Gupta, learned Advocate appearing on behalf of the respondent nos. 3 and 4 at the very outset

submits before this Court that practically there is no ambiguity in the letter dated 12.11.2024 which is subject matter of the challenge in the instant writ petition. In course of his submission Mr. Gupta took me to page nos. 95 and 97 of the instant writ petition being the schedule portion and the deed plan of the deed of gift as claimed to have been executed in favour of the writ petitioner. It is submitted by Mr. Gupta that from the schedule of the said deed of gift it would reveal that it is the assertion of the writ petitioner that RS and LR plot nos. 324 and 325 corresponds to CS Dag nos. 314 and 315.

6. It is thus submitted by Mr. Gupta that in view of clear admission on the part of the writ petitioner it may be held that there is no ambiguity in the letter under challenge dated 12.11.2024 and thus the instant writ petition is liable to be dismissed.
7. Mr. De, learned A.G.P. appearing on behalf of the respondents/State supports the contention of Mr. Gupta.
8. On careful consideration of the entire materials as placed before this Court and after hearing the learned Advocate for the contending parties it appears that by virtue of a notification under Section 6 of the Act I of 1894 out of various RS plot nos. 324 and 325 was acquired in full. From the letter under challenge it reveals the respondent no. 3/authority communicated that the said two RS plot numbers corresponds to CS plot nos. 314 and 315.

9. As rightly pointed out by Mr. Gupta that from the schedule of the deed of gift of the writ petitioner it reveals that RS and LR plot nos. 324 and 325 corresponds to CS plot nos. 314 and 315.
10. In view of such, this Court finds no ambiguity and/or illegality and/or irregularity in the letter dated 12.11.2024 which is subject matter of challenge in the instant writ petition. This Court further finds that on comparative study of the entire matter as placed before this Court, sufficient materials have been placed before this Court that the writ petitioner's land has already been acquired vide; Land Acquisition Case No. 4/35 of 1995-96 for New Town Project.
11. In absence of any contrary material, this Court is thus not inclined to interfere with the letter under challenge dated 12.11.2024.
12. As a result, the instant writ petition fails and is hereby dismissed.
13. There shall be, however, no order as to costs.
14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)